

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MARK FINOCCHIARO,

Plaintiff,

v.

KEVIN DEZURIK; AVILES-ROBBINS
TRUCK LEASING, LLC; STATE
NATIONAL INSURANCE COMPANY; and
XYZ CORPORATION (#1-20),

Defendants.

CIVIL ACTION NO.: 4:21-cv-365

ORDER

On November 21, 2023, counsel for Plaintiff and counsel for Defendants advised the Court that the parties have reached a settlement of this matter and are waiting to sign an agreed-upon release agreement. (Doc. 39.) Accordingly, the Court **DIRECTS** the Clerk of Court to **ADMINISTRATIVELY CLOSE** this action. See Heape v. Flanagan, No. 6:07-CV-12, 2008 WL 2439736 (S.D. Ga. June 9, 2008). The Court additionally **CONTINUES** the Telephonic Trial Preparation Scheduling Conference, which is presently scheduled for December 6. In the event the settlement is not consummated, and the case is reopened, the Court will reschedule this conference and will set trial preparation deadlines at that time.

Within **forty-five (45) days** of the date this Order is entered, the parties—if they wish—may present a dismissal judgment, pursuant to Federal Rule of Civil Procedure 41(a)(2), incorporating the terms of their settlement, so the Court may retain jurisdiction to enforce the agreement. In the alternative, the parties may simply file a joint stipulation of dismissal. If the parties fail to file a dismissal (or, if necessary, move to reopen the case) within **forty-five (45) days**, the Court will *sua sponte* dismiss the case with prejudice. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 381–82 (1994).

SO ORDERED, this 27th day of November, 2023.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is fluid and cursive, with the first name "R" being large and the last name "Baker" written in a more compact, cursive style.

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA